

CHAPTER XVI

FRANCHISES

SECTION 16.00. (General). Subdivision I. Public franchises or privileges to be exercised by any person, persons or corporation in any street, streets, or public places in the City of Rochester, may be granted or proposed by ordinance passed by a vote of four-sevenths (4/7) of all the members of the common council and approved by the mayor. Every such ordinance granting any franchise or privilege shall contain all the terms and conditions of the franchise to be granted. It shall be a feature of every franchise so granted that the maximum price or charge for the service shall be stated in the grant thereof.

Subd. 2. Except as expressly provided hereafter, no ordinance passed by the common council granting a franchise or privilege shall go into effect before thirty days from the day of its last publication.

Subd. 3. If during said thirty days a petition, signed, as hereinafter provided, by qualified electors of the city equal in number to at least twenty percent of the total ballots cast at the last preceding general municipal election, protesting against the passage of such ordinance, be filed with the city clerk, said ordinance shall thereupon be suspended from going into operation; and it shall be the duty of the common council to reconsider such ordinance and if the same be not entirely repealed, the common council shall submit the ordinance to a vote of the electors of the city, either at the next general municipal election, if to be held within sixty days, or at a special election called for the purpose to be held within thirty days after the filing of such petition, and such ordinance shall not become operative unless a majority of the qualified electors voting on the same shall vote in favor thereof. The common council shall provide suitable ballots for the submission of such ordinance, and shall cause said ordinance to be published in full once in the official paper at least ten (10) days prior to said election. The signatures to the petition need not all be appended to one paper, but each signer shall state his place of residence and street number. One of the signers of each such papers shall make oath that the statements therein made are true, as he believes, and that each signature to the paper appended is the genuine signature of the person whose signature it purports to be.

Subd. 4. The common council shall have power by ordinance to reasonably regulate and control the exercise by any person, persons or corporation of any public franchise or privilege in any of the streets or public places in the city, whether such franchise or privilege shall have been granted by the city, county, or state.

Subd. 5. The thirty day waiting day period identified in Subd. 2 above shall not apply to an application for a public transportation franchise for a small vehicle passenger service using three or less vehicles. (Amended by Ord. # 3948, approved November 16, 2009; effective February 15, 2010).

SECTION 16.01. (Rate regulation). The city shall have the power to regulate and control the maximum rate to be charged by any corporation or person exercising any franchise in the city, for the service rendered by it to the city, but such price shall be fair and reasonable to such corporation or person and to the public. The manner in which such rate shall be regulated shall be fixed by the common council by ordinance, and said common council shall have the right and is hereby authorized to prescribe by ordinance for the appointment of commissioners to fully investigate and hear and determine all questions with reference to rates to be charged by such corporation or person. The common council may further provide by ordinance that any or every person or corporation exercising any franchise in the city, shall pay a gross earnings tax. It may provide the amount thereof and the method of its collection.

SECTION 16.02. (Perpetual franchise). No perpetual franchise or privilege, or exclusive franchise or privilege, or any franchise or privilege for a term exceeding twenty (20) years shall ever be granted or extended unless the question of granting the same shall have been first submitted to the qualified voters of the city, and passed by a vote of sixty (60) per cent of those who cast votes in this election.

SECTION 16.03. (Reports). The common council may by ordinance require every corporation or person, exercising any franchise in the City of Rochester, to file annually on the first Monday in February, in the office of the city clerk, a statement subscribed and sworn to by some officer of such corporation or person who knows the facts, setting forth in detail for the preceding calendar year, the actual cost of the plant or business operated by such party, the actual incumbrance, debts and obligations thereon, if any, the amount of stock issued, and to whom, the gross earnings, the expense and net income, and the amount of stock of any such corporation. Said statement shall be open to public inspection, and, if the owner of any such franchise refuses or neglects to file such report as herein provided, the common council may proceed by ordinance to cancel and revoke such franchise.

SECTION 16.04. (Existing franchises contained). Nothing in this charter contained shall be taken or construed as annulling, releasing or modifying any franchise or contract existing between the city of Rochester and any individual, company or corporation at the time this charter goes into effect.